

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: MARCOS JIMINEZ MURILLO)	
JOCELYN MERCADO DIAZ)	
<u>Debtor</u>)	CHAPTER 7
)	
MERCEDES-BENZ FINANCIAL)	Case No.: 24-12817 (PMM)
SERVICES USA LLC)	
<u>Moving Party</u>)	
)	Hearing Date: 10-23-24 at 9:30 AM
v.)	
)	11 U.S.C. 362
MARCOS JIMINEZ MURILLO)	
JOCELYN MERCADO DIAZ)	
<u>Respondent</u>)	
)	
CHRISTINE C. SHUBERT)	
<u>Trustee</u>)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Mercedes-Benz Financial Services USA LLC (“Mercedes-Benz”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. That on August 12, 2024, Marcos Murillo and Jocelyn Diaz filed a voluntary petition under Chapter 7 of the Bankruptcy Code.

2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, and 28 U.S.C. 157 and 1334.

3. On November 16, 2023, the Debtors entered into a retail installment contract for the purchase of a **2024 Mercedes-Benz GLE53** bearing vehicle identification number 4JGFD6BB7RB094021. The contract was assigned to Mercedes-Benz Financial Services and the Debtors became indebted to Mercedes-Benz in accordance with the terms of same. Mercedes-Benz Financial Services is designated as first lien holder on the title to the vehicle and

holds a first purchase money security interest in the vehicle. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. The Debtors' right to cure under state law has expired, so the account is past due for the entire payoff amount of \$118,245.70.

5. According to the September 2024 NADA Official Used Car Guide, the vehicle has a current retail value of \$91,847.00.

6. Mercedes-Benz Financial Services USA LLC alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that Mercedes-Benz lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtors are failing to make payments to Mercedes-Benz and are failing to provide Mercedes-Benz with adequate protection.

(b) The Debtors have no equity in the vehicle, and do not need the vehicle to reorganize, since the Debtors are in a Chapter 7 liquidation; therefore, Mercedes-Benz is entitled to stay relief pursuant to 11 U.S.C. 362(d)(2)(A) and (B).

WHEREFORE PREMISES CONSIDERED, Mercedes-Benz Financial Services USA LLC respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Mercedes-Benz to permit Mercedes-Benz to seek its statutory and other available remedies; (2) that the stay terminate immediately upon entry of this Order, with a waiver of Fed.R.Bank.P., Rule 4001(a)(3) and (3) Mercedes-Benz be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

William E. Craig

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